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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/823,381

04/13/2004

Mir L. Ali

FER-15402

3359

7609

7590

02/14/2007

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EXAMINER

WYROZEBSKI LEE, KATARZYNA I

ART UNIT

PAPER NUMBER

1714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/14/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/823,381

Applicant(s)

ALI ET AL.

Examiner

Katarzyna Wyrozebski

Art Unit

1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

In view of applicant's response dated 1/29/2007 the prior art of record is overcome. Updated search provided new references that will be applied in a second non-final office action on the merits.

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over SOBAJIMA (US 5,883,174) in view of BREHM (US 7,019,048) and SKUBON (US 3,941,743).

The prior art of SUGIMOTO discloses composition for molding an automotive part. The composition comprises polymeric component, which is a mixture of polypropylene and copolymer of propylene with ethylene. The composition comprises also 0.1-80 parts by weight of talc having particle size of 1.5-20 microns. Specific examples disclose talc having particle size of 3.9 and 9.1 microns. The additives of the composition of SOBAJIMA include pigments and additives.

The prior art of BREM discloses composition for molding articles made from polymers such as polypropylene. The composition comprises a pigment such as aluminum having particle

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size of 10-200 microns. The composition gives the article a pronounced glitter effect. The pigments of BREM can be in shape of a platelet.

The prior art of SKUBON discusses the shape of the lustrous pigment fillers. SKUBON teaches that the particles capable of providing metallic effect to the polymer composition can be of flake, platelet, spherical, granular or subgranular form as long as their configuration can enable adequate compaction of particles.

Use of pigment gives composition an aesthetic look. Use of pigments such as aluminum of any shape gives composition a metallic look.

The combination of two known compositions is expected to work in additive or cumulative manner. *In re Kerkhoven* 626 E.2d 846, 850 205 USPQ 1069, 1072 (CCPA 1980)

In the light of the above disclosure, it would have been obvious to one having ordinary skill in the art at the time of the instant invention to mix composition of SOBAJIMA and BREHM together and still obtain moldable composition for use in automotive industry, since SOBAJIMA enabled use of pigments and dyes. It would have been also obvious to one of ordinary skill in the art that sub-granular or different shapes of luster pigment can give the composition metallic effect.

3. Claims 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over SOBAJIMA (US 5,883,174) in view of BREHM (US 7,019,048) and SKUBON (US 3,941,743) as applied to claims 1-7 above, and further in view of BUSHELMAN (US 2006/0014876).

The discussion of SOBAJIMA (US 5,883,174) in view of BREHM (US 7,019,048) and SKUBON (US 3,941,743) from paragraph above is incorporated here by reference.

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The difference between the prior art of record and the present invention is use of aluminum particles having particle size higher than 200 microns.

With respect to the above argument, the prior art of BUSHELAM disclose scomposition for molding articles comprising aluminum flakes having particles diameter of 200 microns.

Use of aluminum flakes having such large diameter not only will retain the lustrous effect and serve as a pigment, but it will also add to the article thermal conductivity.

In the light of the above disclosure, it would have been obvious to one having ordinary skill in the art at the time of the instant invention to utilize such articles in automotive industry, depending on the intended use. Resulting articles will still have a lustrous effect as well as ability to conduct.

Applicants arguments with respect to the prior art of record applied in the first office action on the merits are considered moot due to discontinuation of that prior art against present claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katarzyna Wyrozebski whose telephone number is (571) 272-1127. The examiner can normally be reached on Mon-Thurs 6:30 AM-4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Katarzyna Wyrozebski
Primary Examiner
Art Unit 1714

February 7, 2007